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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/847,326	05/03/2001	Lars-Berno Fredriksson	0260/00072	7125

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EXAMINER

LEE, CHI CHUNG

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 11/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/847,326

Applicant(s)

FREDRIKSSON, LARS-BERNO

Examiner

Chi-Chung E Lee

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 May 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 28-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 28-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 35 recites the limitations of **“the equipment parts”** in line 1 and **“the operation of input and output devices”** in line 2. There is **insufficient antecedent basis** for these two limitations in the claim. The examiner will interpret the word **“the”** with the character ‘a’ to this claim.

2. Claim 35 is objected to under 37CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. The previous claim 28 claims a device comprising modules; but claim 35 claims the input and output devices, claim 35 does not further limit the subject matter of the previous claim.

### *Double Patenting*

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686

Art Unit: 2131

F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 28-40 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-28 of U.S. Patent No. 5,696,911 A in view of U.S. Patent No. 6,000,825 A. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claimed subject matter contains obvious modification to previous claims 1-28 of U.S. Patent No. 5,696,911 and claims 1-23 of U.S. Patent No. 6,000,825.

Claims 28, 38, differ from the conflicting claim 1 of U.S. Patent No. 5,696,911 and claim 1 of U.S. Patent No. 6,000,825 is it contains a radio-communication equipment means for connection with a radio part belongs to a second module (i.e. a second plurality of transmitting and receiving units) for the establishment of a radio-communication channel. It would have been obvious to a person of ordinary skill in the art to substitute the optical link with the wireless link and adaptation/buffer units with a radio-communication equipment means to establish a wireless connection between master unit 15 (i.e. the first module) and master unit 17 (i.e. the first module) because wireless transmission is flexible as to the number of transmission nodes and is often utilized between an operator's control unit and the control system of the machine which he controls such that the connection is not disturbed by other machine connections and environment limitation.

Claims 29-37, 39-40 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 2-28 of U.S. Patent No. 5,696,911 and claims 2-23 of U.S. Patent No. 6,000,825. These claims include limitations of: CAN-system, signal activate at different location, message initiation in the second module, transmit the generated message according to a predetermined order of priority, imitate a control or supervisory function, and two way connections which already included in claims 2-28 of U.S. Patent No. 5,696,911 and claims 2-23 of U.S. Patent No. 6,000,825.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 28-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heins (US 5,596,437 A) in view of Dorenbos (US 5,751,813 A).

As per claim 28, 36, Heins discloses an X ray device in a CAN-system, comprising modules (i.e. nodes 1,2,3,9,10, see figure 1) which are connected via a digital serial communication (i.e. CAN-bus 4) and in which a function (i.e. a drive for tilting the

Art Unit: 2131

tabletop of a patient table about a horizontal, see column 3 lines 45-55) in the first module (i.e. node 1) can be observed or registered at a location (i.e. memory location, see column 4 lines 53-58) for the placement of the first module (i.e. node 1) and another location for the placement of the second module (i.e. node 10). Heins discloses the communication equipment means (i.e. IR converter 100) for connection with a radio part (i.e. transmitter T and receiver R) belonging to second module (i.e. node 10) for establish an infrared communication between modules at different location. Heins further discloses the communication equipment means (i.e. IR converter 100) and can be activated via a radio channel (i.e. optical channel, see column 2 lines 1-3) and radio part (i.e. transmitter and receiver) by the activation signal (i.e. a command, see column 4 lines 11-17) in the second module (i.e. node 10), which signal (i.e. command object) induces the first module (i.e. node 1) to perform its particular control of manipulating the movement of the patient table [see column 4 lines 11-23] at the location for the first module (i.e. node 1).

Heins does not expressly disclose the wireless communication equipment means operates at high radio frequencies.

Dorenbos discloses the communication unit transmits the message via a wireless communication link such as a radio frequency (RF) or radio or infrared communication [see column 3 lines 17-25].

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to use high radio frequencies for wireless communication in the system of Heins because it is well known in the art that implementation the wireless

communication use the RF modem or radio (i.e. high frequency technology) or infrared technology is the design choice.

As per claims 29-30, Heins discloses the CAN-system forms part of a machine-control system (i.e. control the patient table, see column 3 lines 41-54). Heins discloses the signal activation (i.e. command put into the operating unit 102) give rise to a message initiation in the second module (i.e. node 10, see column 4 lines 11-24).

As per claims 31-33, Heins discloses node 10 transmits the generated message according to a predetermined order of priority in the ordinary exchange of messages [see column 4 lines 24-39]. Heins discloses the generation of a control operation is especially cut out for a testing or fault-searching function [see column 4 lines 40-52].

As per claim 34, Heins discloses the communication equipment means operates with two-way connections such that a stimulation of a controlled component (i.e. X-Ray device) at the first module (i.e. node 1) produces a feedback (i.e. the message of the horizontal position has been reached) vi a the connection (I.e. transmitted by the transmitter of infrared converter 8) to the second node (i.e. node 10, see column 4 lines 59-67).

As per claim 35, 37, Heins discloses a equipment part (i.e. drive 5) can observe and register an operation of input and output devices (i.e. transmitter T and receiver R of node 1, see column 4 lines 53-58) and the communication equipment means is connected to a

Art Unit: 2131

control equipment part (i.e. operating unit 102) served by the first module [see column 4 lines 11-24].

Claims 38-40 have similar limitations as claims 28-30; therefore, they are rejected under the same rationale.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chi-Chung E Lee whose telephone number is 703-306-4153.

The examiner can normally be reached on 8 am - 5 pm, Mon. - Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Chi-Chung Lee  
11/13/2003



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